

FIRST REGULAR SESSION

HOUSE BILL NO. 365

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CUNNINGHAM (86), TOWNLEY, MYERS,
MOORE AND PHILLIPS (Co-sponsors).

Read 1st time February 5, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0611L.011

AN ACT

To repeal section 188.039, RSMo, and to enact in lieu thereof one new section relating to informed consent to an abortion.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 188.039, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 188.039, to read as follows:

188.039. 1. No physician shall perform an abortion unless, **twenty-four hours** prior to such abortion, the physician certifies in writing that the woman gave her informed consent, freely and without coercion, after the attending physician had informed her of the information contained in subsection 2 of this section and shall further certify in writing the pregnant woman's age, based upon proof of age offered by her.

2. In order to insure that the consent for an abortion is truly informed consent, no abortion shall be performed or induced upon a pregnant woman unless she has signed a consent form that shall be supplied by the state department of health, acknowledging that she has been informed by the attending physician of the following facts:

(1) That according to the best medical judgment of her attending physician whether she is or is not pregnant;

(2) The particular risks associated with the abortion technique to be used;

(3) Alternatives to abortion shall be given by the attending physician; **and**

(4) **The attending physician informed her of the increased risk of breast cancer associated with the proposed abortion.**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.

16 [3. The physician may inform the woman of any other material facts or opinions, or
17 provide any explanation of the above information which, in the exercise of his best medical
18 judgment, is reasonably necessary to allow the woman to give her informed consent to the
19 proposed abortion, with full knowledge of its nature and consequences.]